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C O N F I D E N T I A L SECTION 01 OF 05 COLOMBO 000308

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TAGS: [PTER](#) [PGOV](#) [CE](#)

SUBJECT: SRI LANKA: MONDAY MORNING QUARTERBACKING ON
GOVERNMENT TALKS WITH THE LTTE

REF: A. COLOMBO 256

[1](#)B. GENEVA 395

Classified By: CDA JAMES F. ENTWISTLE. REASON: 1.4 (B,D).

SUMMARY

[1](#)1. (C) With the conclusion on February 23 of the first round of talks between the Government of Sri Lanka (GSL) and the Liberation Tigers of Tamil Eelam (LTTE) in three years, southern political parties are feverishly engaging in Monday morning quarterbacking to determine whether the GSL "won" or "lost" the face-off with the Tigers. The joint statement, issued in Geneva on February 23, commits the LTTE to a moratorium on attacks against GSL security forces, while the GSL commits to ensure that no group other than the security forces will carry arms or carry out armed activity. The GSL, which had kept its official expectations modest in the run-up to the talks (Ref A), came away with what it wanted most--agreement on a date and venue for a second round of talks and fending off any suggestion that the Karuna faction is a "paramilitary." The GSL's Sinhalese chauvinist allies, which had pressed the GSL to adopt the untenable position that the Ceasefire Agreement (CFA) is unconstitutional, were far less ebullient, with the Janatha Vimukthi Peramuna (JVP) terming the talks "a step towards the right direction" but remaining critical of the Norwegian facilitators and the LTTE for "pressurizing" the GSL into affirming the CFA, and the Jathika Hela Urumaya (JHU) denouncing perceived GSL concessions to the LTTE. Opposition United National Party (UNP) MP and former GSL negotiator G.L. Peiris called the talks a success in so far as "there was no walkout," but emphasized the "confusion" of the GSL position in its opening statement that the CFA was unconstitutional--followed by its reaffirmation of the CFA one day later in the joint statement. Pro-LTTE Tamil National Alliance (TNA) MPs were predictably dour in their certainty that the GSL would not

fulfill its commitments in the joint statement.

¶2. (C) Summary (cont.): For a new government that feared that the LTTE would stage a walk-out and that its Sinhalese chauvinist allies might publicly oppose dialogue, simply concluding the talks with neither situation arising can be deemed a partial success. Even more important, securing the Tigers' agreement to a second round gives the ailing peace process a much-needed boost. That said, the GSL's wholesale commitment in the joint statement to restrain any "armed group or person"--of which there may be hundreds with different loyalties and agendas not necessarily susceptible to GSL control--may prove far more difficult to uphold than the LTTE's more easily enforced commitment to suspend attacks against the security forces. The newly named Swedish head of the Sri Lanka Monitoring Mission (SLMM) will have an even more crucial--and politically sensitive--role in reporting on implementation of the CFA between now and the next round of talks in mid-April. End summary.

GENEVA TALKS OUTCOMES:
AGREEMENT THAT THERE IS AN "AGREEMENT";
COMMITMENT TO FUTURE MEETING

¶3. (SBU) The February 22-23 talks between the Government of Sri Lanka (GSL) and the Liberation Tigers of Tamil Eelam (LTTE) in Geneva--the first between the two parties since April 2003--weathered a threatened walk-out by the LTTE and resulted in a brief joint statement committing both sides to uphold the 2002 Ceasefire Agreement (CFA). The statement noted that both parties had agreed to hold a second round of

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talks April 19-21, during which the Sri Lanka Monitoring Mission (SLMM) would assess implementation of these commitments, in Geneva.

¶4. (C) A jubilant GSL team, which had hoped for little more from the talks than an agreement to meet a second time (Ref A), will likely claim victory on an additional three points. First, the GSL succeeded in fending off references to the dissident Karuna faction as a "paramilitary," although the alternative language adopted in the joint statement--which commits the GSL to "ensure that no armed group or person other than Government security forces will carry arms or conduct armed operations"--signs the GSL up to a substantially more ambitious undertaking than merely restraining Karuna's limited numbers. Second, the LTTE's commitment in the joint statement "to ensure that there will be no acts of violence against the security forces and police" undercuts the Tigers' earlier claims that attacks against the security forces were carried out by Tamil civilians. Third, the joint statement acknowledges that child recruitment was discussed by both parties (although it does not identify either as being guilty of such activity).

¶5. (C) But whatever victories the GSL may claim to have scored in the joint statement, the government's February 22 opening statement, which declared the CFA unconstitutional, clearly limited the GSL's maneuverability during the talks. Having adopted that initial stance (foisted on the government by President Mahinda Rajapaksa's Sinhalese nationalist political allies), the GSL delegation then found itself on the second day in the untenable position of having to sign a joint statement pledging to uphold the very agreement it had just publicly deemed to be illegal. According to local press reports and Ref B, the GSL delegation tried unsuccessfully to get the term "agreement" stricken from the proposed joint statement, attempting to limit its obligations to upholding the "ceasefire," rather than the more politically sensitive "Ceasefire Agreement." The going was particularly rocky just before lunch on February 23, according to Swiss emboff Martin Sturzinger, who indicated to poloff that the LTTE seemed ready to walk out at that time. Ultimately, however, the GSL

delegation conceded that reference to the "Ceasefire Agreement" would remain in the joint statement. Once the delegation landed in Colombo, however, one of its members attempted to salvage this all-too-obvious back-peddling by portraying the joint statement as an "amendment" to the Ceasefire Agreement.

TWO MONTHS OR ELSE

16. (U) The GSL's declaration of victory after the talks may have been further tempered by separate press interviews February 26 by dueling Tigers P. Thamilselvan (of the mainstream LTTE) and Karuna (of the breakaway faction widely believed to enjoy GSL support). Thamilselvan told AFP that his organization was giving the GSL just two months--until the April 19 date for the second round of talks--"to demonstrate its sincerity." The AFP article indicated that Thamilselvan "had little confidence that the government will deliver." In an interview (apparently conducted via e-mail) with Reuters, on the other hand, Karuna emphatically rejected any suggestion that his group would disarm, asserting instead his faction's "resolve and moral right to hold onto our arms."

POLITICAL PARTIES' POST-MORTEM

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17. (C) With the GSL predictably spinning its performance as a victory, other political parties are sounding a less exuberant note. UNP Opposition Leader and former Prime Minister Ranil Wickremesinghe, whose government negotiated the CFA in 2002, used a February 25 address to a UNP-affiliated trade union to contest the GSL's description of the Ceasefire Agreement as unconstitutional. In a February 27 conversation with Charge', UNP MP and one-time GSL negotiator G.L. Peiris said "there is a great deal of confusion" stemming from the GSL's characterization of the CFA as unconstitutional and illegal and its subsequent commitment in the joint statement to upholding the CFA. "It is a palpable aberration in legal and logical terms" for the GSL to declare the CFA illegal but give it de facto recognition in the joint statement, the constitutional expert averred. At the same time, the legal scholar criticized the GSL approach as too "lawyerly." Moreover, Peiris remarked, the GSL had further blundered in its announcement after the team returned from Geneva that the joint statement in fact constitutes an amendment to the CFA. The LTTE will "go ballistic" over this "unilateral interpretation," which the Tigers will see as a "total breach" of the agreed-upon language in Geneva, Peiris predicted. (Note: The BBC's Sinhala service quotes the LTTE as saying it is "surprised" by the GSL's comments.) Peiris conceded that the talks could be construed as a "success because there was no walkout" and the two sides "crafted a device to keep the process going." But, Peiris warned, that sense of success "with no substance behind it" could lead to a dangerous sense of complacency. Overall, Peiris commented, the GSL team had "stumbled through," but nonetheless still lacks a "policy underpinning" on which to base future strategy. He noted that when he had briefed the team before its departure for Geneva, he had been unimpressed by what he described as a "total focus on logistics with minimal interest in deeper issues."

18. (SBU) The Janatha Vimukthi Peramuna (JVP) and the Jathika Hela Urumaya (JHU), President Mahinda Rajapaksa's Sinhalese nationalist allies, who had remained uncharacteristically quiet before and during the talks, broke their unaccustomed silence to express varying degrees of disappointment at the outcome. The JVP's response was the more measured, characterizing the talks as "a step towards

the right direction," but "denouncing" the joint statement, which it accused the LTTE and Norwegian facilitators of "pressurizing" the GSL into signing, as contradicting a previous JVP/Rajapaksa agreement that the CFA was "illegal."

The GSL stance on the CFA "should be corrected in future talks," the JVP asserted. In a press statement on February 26, JHU General Secretary Ven. Omalpe Sobitha Thero said the joint statement undercut the JHU's electoral pact with Rajapaksa, violated the mandate given the GSL team in all-party talks before the Geneva discussions and insisted that the CFA be amended. In a February 27 conversation with POL FSN, JHU members Narendra Gunatilleke and Ven. Kamalasiri said their party will ask the GSL to explain why it agreed to allow the LTTE to carry on political activities in GSL-controlled areas without extracting a parallel agreement from the Tigers to allow non-LTTE political activities in territories under Tiger control.

¶9. (SBU) The spokesman for the anti-LTTE Eelam People's Democratic Party (EPDP) told poloff on February 27 that while the EPDP welcomes the LTTE pledge not to attack GSL security forces it remains concerned that the Tigers did not commit specifically to refrain from violence against other Tamil political parties. (Note: The joint statement contains a generic commitment from both parties to take "all necessary measures to ensure that there will be no intimidation, acts of violence, abductions or killings.") The spokesman added that since the CFA the LTTE has killed more Tamils than it has members of the security forces--a point the EPDP will

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press to have raised at the next round of talks.

¶10. (SBU) The pro-LTTE Tamil National Alliance (TNA), ever loath to give the GSL credit for anything, was predictably pessimistic in its assessment of the talks. Although TNA MP Gajendrakumar Ponnambalam noted hopefully to poloff on February 23 the issuance of the joint statement from Geneva as an encouraging sign, by the next day the TNA's official line had hardened. TNA MPs Pathmini Sithamparanathan and Mavai Senathirajah sounded a more somber note on February 24 when they told us the real test of GSL sincerity would be in whether it fulfilled its commitment to restrain the paramilitaries (in which endeavor both MPs seemed rather sure the GSL would fail resoundingly). Senathirajah also tacked on additional demands, including resettlement of civilians in the High Security Zones and the withdrawal of the military from residential areas in the north and east, as tests of GSL sincerity--even though these subjects were not addressed in the joint statement.

NEXT WEEKS CRITICAL

¶11. (C) Harim Peiris, a former advisor to ex-President Chandrika Kumaratunga, told Charge' on February 27 that "we couldn't have expected more" from the talks and lauded the agreement on a follow-up round as an important step that "keeps a process going." Peiris said he thought the crucial point was now that a "Track One" process was under way, there will be "space below for progress on Track Two issues like human rights." He cautioned, however, that the next few weeks would be critical as each side watches the other's implementation of commitments in the joint statement. Peiris credited President Rajapaksa's political acumen with keeping the Tigers at the table by conceding something of importance to his JVP and JHU allies. The subsequent "goodwill" at Geneva, Peiris opined, reduces the "space for the JHU and others in the south to blow things up."

¶12. (C) Kethesh Loganathan of the Center for Policy Alternatives, a prominent local think tank, told poloff on February 27 that the talks in Geneva were potentially a "win-win" situation for both the LTTE and GSL--depending on how each lives up to its respective commitments in the joint

statement. The LTTE had basically acknowledged responsibility for attacks on the military and pledged to stop them, while the GSL had tacitly admitted operations by other armed groups--whether or not they are called "paramilitaries," he noted. As long as the peace process continues, neither side can be said to have lost or conceded too much, Loganathan observed, while the agreement to resume talks in April "does limit how long there can be no results" in an otherwise open-ended peace process. Loganathan acknowledged that the GSL might have taken on broader and more difficult commitments by undertaking to control any "armed group or person"--a commitment that could be easily undercut by anyone, including the LTTE, out to disrupt the peace process and/or discredit the GSL. In this regard, the newly appointed Swedish head of the SLMM would play a key role in monitoring implementation of these commitments, Loganathan predicted.

SWEDES STEP UP TO THE PLATE

¶13. (C) On February 23 Swedish Charge' d'Affaires Jerker Thunberg, accompanied by two Swedish MFA officials, called on Charge' to confirm that Sweden will take over responsibility for the Nordic-sponsored SLMM from Norway. The Swedish envoys told Charge' that Sweden which, next to Norway, has

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the largest number of nationals represented in the SLMM, had agreed to take over the monitoring mission to provide President Rajapaksa, whose Sinhalese nationalist allies had demanded Norway's replacement both as facilitator and as head of the SLMM, some much-needed political cover. The LTTE, which had earlier insisted that Norway remain in both roles, had readily acquiesced to this arrangement, the Swedish Charge' said--thus quietly showing some willingness to give the President a little political space to maneuver. The new SLMM head, Brig. Ulf Henricsson, who will take up the reins at the beginning of April, has extensive PKO experience in Bosnia, according to the Swedish delegation.

COMMENT

¶14. (C) The GSL had kept public expectations for this first round of talks modest, thus making it easy to claim victory in the agreement to a second round. But the GSL may have outfoxed itself in its "lawyerly" insistence on keeping the "paramilitaries" out of the joint statement, signing up instead to a far more comprehensive commitment (that "no armed group or person . . . will carry arms or conduct armed operations") that will be well nigh impossible to fulfill. There are likely a large number of armed groups and/or persons in the north and east, not all of whom--including the Karuna faction--may be entirely subject to GSL control or entirely supportive of the peace process. The new Swedish heads of SLMM will have their hands full over the next two months verifying the many "reports" of violations to the CFA and the joint statement that are sure to surface.

¶15. (C) Comment (cont.): Moreover, the GSL may eventually trip over its contortionistic efforts to support better implementation of the CFA after having declared it unconstitutional. But, quite understandably, the government focus for now is on the successes in Geneva: a joint statement, an agreement on the details of the next round and a sense that the GSL held its own against veteran LTTE negotiator Anton Balasingham. Now comes the hard part.
ENTWISTLE